

SYLVESTER DAY—HEIRS OF.

[To accompany Bill H. R. No. 344.]

MARCH 19, 1860.

Mr. HUTCHINS, from the Committee on Claims, made the following

REPORT.

*The Committee on Claims, to whom was referred the memorial of the heirs of Sylvester Day, have had the same under consideration, and beg leave to report :*

That this case was before the 32d Congress at its first session, when Mr. Wade, from the Committee on Claims, made a favorable report thereon. After reviewing the facts of the case, your committee fully agree in the report then made.

The deceased was an assistant surgeon in the United States army, and stationed at Allegheny arsenal, Pennsylvania. After having faithfully performed his duty for a long series of years, in December, 1849, he became unable, in consequence of impaired health, to perform the services required, and the commanding officer of the post contracted with a private physician for the necessary assistance. This arrangement was disapproved by the Surgeon General, and it was intimated that it might become necessary to assign another medical officer to that post. Dr. Day, fearing that this might result in his displacement from his quarters, assumed the payment of the expense of the necessary assistance from his private funds.

In accordance with this understanding, Dr. Day remained at his quarters (having been placed upon the sick list) until the 21st of February, 1851, when he died.

The memorialists ask the reimbursement of the sum of \$426, paid by Dr. Day and his representatives for the services thus rendered, being at the rate of \$30 per month from December 26, 1849, to February 21, 1851, on the ground that the medical officer is entitled to relief from duty during his own sickness as well as other officers, and that it is unequal and unjust that he should be deprived of his means of support during such sickness.

The following voucher of the payment of the money is among the papers, viz :

“Received, Pittsburg, on September 26, 1850, from Assistant Surgeon Sylvester Day, United States army, the sum of two hundred and

seventy dollars; and on September 13, 1851, from the estate of said deceased, the sum of one hundred and fifty-six dollars, in full of above account.

“R. B. SIMPSON, *M. D.*”

The committee are of opinion that Dr. Day was not properly chargeable with the expense of medical attendance at his post during his personal disability from sickness to discharge the active duties of his office, and that the sum so paid should be reimbursed to his estate. They therefore recommend the passage of the accompanying bill.

## REPORT.